



ILLICIT DISCHARGE CONTROL ACTIVITIES PLAN



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1.0 INTRODUCTION

The Contra Costa Clean Water Program's (Program's) Stormwater Management Plan is the mechanism used by Program co-permittees to implement its joint municipal National Pollutant Discharge Elimination System (NPDES) permit. The Plan includes a requirement that co-permittees prepare and utilize a written Illicit Discharge Control Activities (IDCA) Plan to demonstrate a commitment to take specific steps to control illicit discharges (Performance Standard IDCA-1). This plan satisfies the performance standard and forms a basis for The City of Brentwood to conduct effective illicit discharge control activities.

An illicit discharge is any discharge other than stormwater and certain exempted and conditionally exempted discharges that enter a municipal separate storm sewer system (also known as a storm drain system) through unregulated activities such as illegal dumping, illicit sewer connections to the storm drain, and littering. Common illicit discharges may include oils, paints, yard waste, food waste, paper litter, garbage, household chemicals, concrete, construction debris and sewage.

The municipal separate storm sewer system will, at the least, be defined as the manmade storm drain system consisting of catch basins/inlets, culverts, pipes, outfalls, and engineered channels. *[Some agencies may expand implementation beyond the minimum to also control illicit discharges to irrigation ditches, major drainage and natural creeks with little or no maintenance and/or manmade improvements.]* **This Plan will guide The City of Brentwood's efforts to mitigate illicit discharges to the manmade storm drain system through Planning, Inspection, and Enforcement.**

The City of Brentwood separately implements other stormwater inspection activities required in the Stormwater Management Plan. They include Industrial and Commercial business inspection activities, New Development and Construction Control (NDCC) inspection activities at construction sites subject to land development regulation and Municipal Maintenance activities inspections. Most Municipal Maintenance activities conducted by The City of Brentwood are specific to municipal activities, and are different from the illicit discharge control activities found in this Plan.

1.1 Goal of Illicit Discharge Control Activities

The goal of illicit discharge control activities is to reduce illicit discharges to the storm drain system. To achieve this goal, the following tasks will be implemented:

Planning

- Field screening areas for inspections will be identified and prioritized. Figure 1 illustrates the high, medium and low priority areas within The City of Brentwood. Figure 2 provides a detailed map of high priority areas. (This map includes details about the storm drain system, such as pipes, drain inlets, catch basins, outfalls, etc.)
- A schedule for conducting annual inspections of high priority areas is included in Table 1. This element will consist of routine, pro-active inspections.
- Reactive inspections (“call-outs”) will be conducted on an “as-needed” basis in accordance with the spill response procedures and protocols developed by The City of Brentwood.
- Appropriate personnel will be provided with updated spill responsibility flowcharts and phone lists to ensure efficiency and consistency in response, follow-up, enforcement, and reporting.

Inspection

- Inspection Activities will be conducted and documented on the Illicit Discharge Control Activities Inspection Form presented in Table 2.
- Training will be conducted to develop skilled inspectors able to identify the source of discharges, as well as the discharge, and who will work effectively with the public to achieve elimination of illicit discharges.

Enforcement

- Any discharge that would result in or contribute to a violation of the NPDES permit and any amendment, revision or re-issuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the city in any administrative or judicial enforcement action relating to such discharge. (Ord. 670 § 1 (part), 2001)

- It is unlawful to establish, use, maintain or continue unauthorized drainage connections to the city's stormwater system, and to commence or continue any unauthorized discharges to the city's stormwater system. (Ord. 670 § 1 (part), 2001)
- With the consent of the owner or occupant or pursuant to a search or inspection warrant, any authorized city employee may establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections, the officer may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on-site.
- As soon as any person in charge of a facility or responsible for emergency response for a facility has knowledge of any suspected, confirmed or unconfirmed release of non-stormwater discharge entering the city stormwater system, such person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release, and shall promptly notify the city engineer of the occurrences by telephone. This notification requirement is in addition to, and not in lieu of, other required notifications.
- Any authorized city employee may require that any person engaged in any activity or owning or operating any facility which may cause or contribute to illicit discharges undertake such monitoring activities, or analysis, or both, and furnish such reports as the employee may specify. The burden, including costs, of these activities, analyses, and reports shall bear a reasonable relationship to the need for the monitoring, analysis, and reports and the benefits to be obtained. The recipient of such request shall undertake and provide the monitoring, analysis, and reporting required.
- Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the city engineer has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises in violation of this chapter, the city engineer is authorized to enter such building or premises at all reasonable times to inspect the same or to perform any duly authorized by this chapter. (Ord. 670 § 1 (part), 2001)
- Notwithstanding any other provision of this code, any person, firm, partnership, corporation, or public agency that violates any provision of this chapter, or fails to comply with any of the mandatory requirements of this chapter, is guilty of a misdemeanor, unless, in the discretion of the city engineer (as provided in this code) or the district attorney, it is charged and prosecuted as an infraction. (Ord. 670 § 1 (part), 2001)

- Upon conviction of a misdemeanor or infraction, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth in California Government Code Section 36901, as may be amended, or its successor statute or pursuant to the Brentwood Municipal Code. If the city of Brentwood is fined through the clean water program or any other county, state or federal law, and the cause of that fine is unlawful discharge, the operator shall be subject to that fine or penalty. (Ord. 670 § 1 (part), 2001)
- Every day that any violation of this chapter continues shall constitute a separate offense. (Ord. 670 § 1 (part), 2001)
- Notwithstanding any other provision in this chapter, any person who violates any provision of this chapter or a provision of any permit issued pursuant to this chapter, or who discharges waste or wastewater that causes pollution, or who violates any cease and desist order, prohibition, or effluent limitations may also be in violation of the federal Clean Water Act or the Porter-Cologne Act, or both, and may be subject to the sanctions of those acts, including civil and criminal penalties. Any enforcement action authorized under this chapter may also include notice to the violator of such potential liability. (Ord. 670 § 1 (part), 2001)
- Any violation of this chapter may be subject to enforcement through the administrative citation procedure codified in Chapter 1.08 of this code or any other appropriate remedy specified in the Brentwood Municipal Code or state or federal law. The permit holder shall be responsible for compliance by its agents, including any subcontractors. Failure to comply with the approved construction BMP's will result in the issuance of verbal warnings, correction notices, citations or a project stop work order. In the event of the issuance of a stop work notice on the project for engineering, public works or building violations, the permit holder shall be fined through additional fees/fines placed on the building permits or, when possible, by the reduction of any applicable development fee credits (collectively "fines"). Except in the event of an emergency, the city shall provide verbal and written notice of the violation to the applicable permit holder prior to the issuance of a stop work notice. Fines shall be one hundred dollars for the first violation, two hundred fifty dollars for the second occurrence of the same violation (regardless of subcontractor) and one thousand dollars for each subsequent violation. (Ord. 670 § 1 (part), 2001)
- In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the city. In any such action, the city may seek, as appropriate and allowed by law, any or all of the following remedies:

- A. A temporary restraining order, preliminary and permanent injunction;
 - B. Reimbursement for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing administrative action under this chapter;
 - C. Costs incurred in removing, correcting, or terminating the adverse effect resulting from the violation;
 - D. Compensatory damages for loss or destruction of water quality, wildlife, fish and aquatic life. Costs and damages under this subsection D shall be paid to the city and shall be used exclusively for costs associated with monitoring and establishing stormwater discharge pollution control system and/or implementing or enforcing the provisions of this chapter. (Ord. 670 § 1 (part), 2001)
- Educational and outreach activities to targeted areas will be scheduled when necessary. They will focus on the harmful effects of illegal dumping and suggest best management practices to mitigate illicit discharge.

Evaluation & Reporting

- Illicit discharges trends in high priority areas will be evaluated and analyzed annually. A summary of inspections will be compiled annually and included in [AGENCY] Annual Report to the Regional Water Quality Control Board. The Illicit Discharge Control Plan will be modified when necessary.

1.2 IDCA Ad Hoc Workgroup

The Program's IDCA Ad Hoc Workgroup will assist in achieving consistency with illicit discharge control activities reporting, will coordinate program-wide inspector training and will support development of educational information and focused regional outreach efforts. This workgroup will meet twice annually and will be facilitated by Program Staff.

2.0 IMPLEMENTATION OF ILLICIT DISCHARGE CONTROL ACTIVITIES

2.1 Planning

2.1.1 Field Screening Areas

Field-screening areas for inspection are presented in Figure 1. These areas are considered either “high,” “medium,” or “low” priority based on land use designations, history or absence of stormwater violations, presence of potential pollutants (e.g. old septic systems), proximity to water body, topography and other relevant criteria. A detailed map of high priority field-screening areas is presented in Figure 2 and includes the storm drain system, catch basins, inlets, pipes, and outfalls. A field-screening area priority may change based on field inspection. For example, high field-screening priority areas may become medium or low-priority if inspections indicate they have minimal illicit discharges. Figures 1 and 2 will be reviewed annually and revised when changes occur.

2.1.2 Inspection Activities Schedule

Routine, pro-active inspections of the high priority screening areas will be conducted annually. Table 1 provides the inspection schedule. Medium and low priority screening areas will be inspected once during a five-year period. Unplanned, or reactive inspections will be conducted on an “as-needed” basis in response to complaints received by [AGENCY] or knowledge of spill incidents that are not handled by other agencies (e.g. County Hazardous Materials, Fire Department, etc.).

2.1.3 Inspection Program Organization

The City of Brentwood’s Stormwater Program Coordinator is responsible for IDCA inspections.

Here each agency will define their organizational structure for implementing illicit discharge control activities. This may include a reference to other municipal departments (code compliance, public services, maintenance, etc.) or a reference to a subcontractor.

Using the agency's existing spill response protocols & procedures, Agency will develop and periodically update spill responsibility flowcharts outlining roles of all involved response agencies. Agency will develop multiple spill responsibility flowcharts conveying the activities associated with various spill types (hazardous, non-hazardous, common occurrences, etc.). These flowcharts will cover activities from initial spill response to enforcement, follow-up, and reporting. Additionally, Agency will produce and distribute to appropriate staff and other agencies updated phone lists identifying spill response contacts for normal working hours, after hours, and holidays.

AGENCY will also describe how IDCA inspectors will be provided sufficient authority to initiate enforcement procedures.

2.2 Inspections

2.2.1 Proactive Field Investigations

High priority field-screening areas will be inspected annually by IDCA inspectors. Visual inspections of discharge points, including catch basins, drain inlets, ditches and creeks within the high priority areas will be conducted. The results will be noted on a standardized inspection form (Table 2). If an active illicit discharge is identified an attempt will be made to trace the source of the discharge and eliminate it. Inspection methods may include inspection of manholes upgradient of the discharge site, video surveillance of the storm drain system and collection of samples.

If a responsible party is identified, the IDCA inspector will educate the party on the impacts of his/her actions, explain Stormwater Ordinance requirements and provide BMPs, as appropriate. The inspector may initiate immediate action to abate the discharge and recommend follow-up and/or enforcement procedures. A "non-emergency" illicit discharge from an industrial or commercial business will be referred to the business inspection coordinator, through the Stormwater Program Coordinator.

If an immediate threat to human health and the environment is present, emergency service personnel will be notified immediately.

2.2.2 Reactive Spill Response Investigations

Notices about illicit discharges are received in a variety of ways. These include calls to the Program's "1-800-NO-DUMPING" telephone number, referrals from law enforcement officials, anonymous tips, referrals from the County Health Department, etc.

The notice of an illicit discharge will be directed to the Stormwater Program Coordinator or designee. Information about the reported discharge will be compiled. The Stormwater Program Coordinator, Code Compliance Officer, designee or IDCA inspector will visit the reported discharge location and conduct an inspection as described in Section 2.2.1. As appropriate, the responsible party, if identified, will be required to abate the illicit discharge. If the responsible party is not identified or if the responsible party so chooses and the discharge can be abated, The City of Brentwood will abate the discharge at the earliest possible opportunity. All costs associated with abatement and fines will be borne by the responsible party.

Each response to reported illicit discharges will be documented on the Inspection Form (Table 2).

2.2.3 Inspector Training

The Program will conduct countywide training and workshops on an on-going basis to ensure effective and consistent inspections throughout the county. IDCA inspectors will be provided the knowledge and skills necessary to conduct effective field proactive and reactive investigations and training on new regulations with guidance from the Program and Regional Water Quality Control Board (RWQCB) staff. Field crews and other appropriate staff will receive training on spill response protocols and use of responsibility flowcharts and phone trees. At least one IDCA inspector will attend Program workshops. [AGENCY] may also conduct in house training or have inspectors attend regional conferences, etc., as appropriate to improve their skills.

2.3 Enforcement

Initially education may be used to communicate a general understanding of the stormwater program and its purpose to potential illicit dischargers. If a serious illicit discharge is

observed the local stormwater ordinance may be enforced. When an illegal discharge or serious pollutant exposure is observed and the responsible party is known, agencies shall at a minimum seek compliance through written warnings or verbal communications. A gross violation of the local stormwater ordinance may result in enforcement of the stormwater ordinance through fines and other measures. Such action will be coordinated by the City of Brentwood's Stormwater Program Coordinator.

If a serious stormwater violation that poses an imminent threat to human health and the environment is identified during an inspection, the local agency may refer the violation to emergency response personnel, the District Attorney, the RWQCB, the California Department of Fish and Game and/or the U.S. Environmental Protection Agency.

2.3.1 Education & Outreach

An inspector may distribute and discuss appropriate educational and BMP materials with the responsible party during IDCA inspection activities. Distribution of educational material will be documented on the inspection form. Educational material may also be broadcast to residents and businesses located in high priority screening areas where pollutant exposure is high.

Coordination with other local emergency response agencies and City of Brentwood departments will be fostered through annual outreach and correspondence by the City of Brentwood staff including enclosure (and, if desired, training on use) of spill responsibility flowcharts and phone trees.

2.4 Evaluation and Reporting

IDCA inspection activities will be documented on forms provided in Table 2. The IDCA inspection activities will be summarized annually and reported in The City of Brentwood's Annual Report to the Regional Water Quality Control Board. Table 3 will be used to summarize the inspection results. Trends of illicit discharges will be monitored annually and the IDCA Plan will be modified when necessary.

The City of Brentwood may consider a computerized data management system for managing and tracking information collected during the field investigations and follow-up activities.

Information could be linked through a data management system to storm drain and area maps through a GIS or other system to evaluate and improve coordination and efficiency for future activities.

3.0 SUMMARY

- The IDCA Plan will be used to guide Illicit Discharge Control Activities. If necessary, modifications to this Plan will be made annually.

Table 3
Annual Report Form

ILLICIT DISCHARGE CONTROL ACTIVITIES

QUANTITATIVE RESULTS

Description	Industrial Areas	Commercial Areas	Residential Areas	Total
High Priority Inspections:				
Number of high priority areas identified within the Agency's Jurisdiction				
Number of high priority areas Inspected				
Number of Illicit Connections/Illegal Discharges/Pollutant Exposure Identified				
Number of Pollutant Exposure/Illicit Connections/Illegal Discharges Eliminated				
Types of Pollutant Exposure Discharge Identified:				
Construction Materials/Debris				
Sewage				
Food Wastes				
Automotive Fluids				
Fuels				
Hazardous Wastes				
Yard Wastes				
Other:				
High Priority Enforcement Actions				
Warning/NOV (verbal, written)				
Stormwater Enforcement Referrals				
Fines				
Other:				
Non-Priority Inspections				
Number calls received				
Number non-priority areas inspected				
Number of Pollutant Exposure/Illicit Connections/Illegal Discharges Identified				
Number of Pollutant Exposure/Illicit Connections/Illegal Discharges Eliminated				
Types of Pollutant Exposure Discharge Identified:				
Construction Materials/Debris				
Sewage				
Food Wastes				
Automotive Fluids				

Description	Industrial Areas	Commercial Areas	Residential Areas	Total
Fuels				
Hazardous Wastes				
Yard Wastes				
Other:				
Non-Priority Enforcement Actions				
Warning/NOV (verbal, written)				
Stormwater Enforcement Referrals				
Fines				
Other:				
Education/Outreach Activities:				
Number of Education Materials Distributed				
Number of Inspectors Attending Training Workshops				

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